

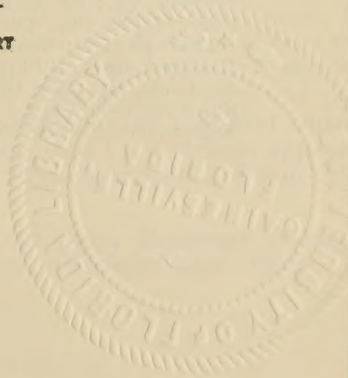
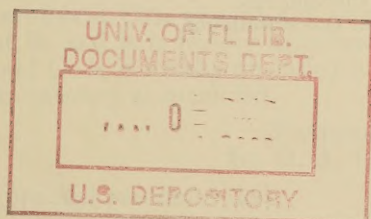
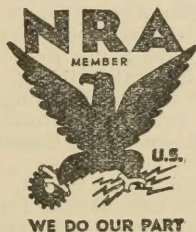
## NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO  
CODE OF FAIR COMPETITION

FOR THE

MARBLE QUARRYING AND  
FINISHING INDUSTRY

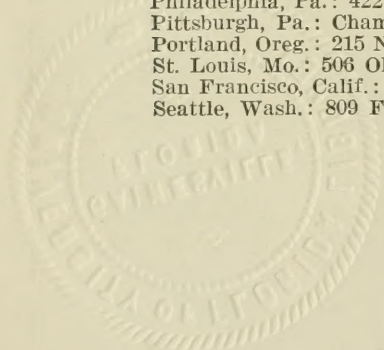
AS APPROVED ON OCTOBER 29, 1934

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Approved Code No. 421—Amendment No. 1

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

### MARBLE QUARRYING AND FINISHING INDUSTRY

As Approved on October 29, 1934

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#### ORDER

#### APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE MARBLE QUARRYING AND FINISHING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Marble Quarrying and Finishing Industry, and hearings having been duly held thereon and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
October 29, 1934.



## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Public Hearing on an Amendment to the Code of Fair Competition for the Marble Quarrying and Finishing Industry, as proposed by the Marble Industry Employers' Association of New York and Vicinity, and assented to by the Code Authority for the said Industry, was conducted in Washington, D. C., on the thirteenth day of June, 1934. Everyone who requested an appearance was heard in accordance with the regulations of the National Recovery Administration. There were present duly authorized representatives of the Code Authority for the Industry.

The proposed Amendment establishes a regional committee for the Metropolitan District of the City of New York as provided in Article V, Section 6 of the Marble Quarrying and Finishing Code.

The proponents of this Amendment, the Marble Industry Employers' Association, is composed of thirty-six firms operating plants for the fabricating and erection of marble for use principally in the interior of buildings and structures. The member firms fabricate and erect more than ninety percent of the marble used in buildings and structures in the New York City area and have a combined investment representing a total of ten million dollars. Of the total amount of marble used in the United States, approximately twenty-five percent is finished and erected in the Metropolitan District of the City of New York.

The Deputy Administrator in his final report to us on said Amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, and promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Marble Industry Employers' Association of New York and Vicinity was and is an industrial association truly representative of the aforesaid Industry in the Metropolitan District of the City of New York, and that said association imposed and imposes no inequitable restrictions on admission to membership therein and has applied for this Amendment, which Amendment has been assented to by the Code Authority for the said Industry.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of such Amendment.

For these reasons, therefore, we have approved this Amendment.  
For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 29, 1934.



## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MARBLE QUARRYING AND FINISHING IN- DUSTRY

Add to Article V, a new sub-section 6A as follows:

SECTION 6A (1). A Regional Committee is hereby constituted to administer the provisions of this Code in the Metropolitan District of the City of New York (which shall include Greater New York, Long Island, and the territory within twenty-five miles from the present New York City line) and shall consist of five members to be selected as follows:

(a) The Code Authority member elected by the members of the Industry within the Metropolitan District of the City of New York, in accordance with Article V, Section 1 (b), shall be a member of this Regional Committee. He shall hold office as a member of this Committee during his term as a member of the Code Authority.

(b) Within ten days after the election and recognition of the Code Authority member elected by the members of the Industry within the Metropolitan District of the City of New York, four other members of the Regional Committee shall be selected in the manner and for the terms stated in the following paragraphs:

(c) If the Code Authority member elected by the members of the Industry within the Metropolitan District of the City of New York is a member of the Marble Industry Employers' Association of New York and Vicinity, the Executive Committee of the said Association shall appoint two members to the Regional Committee; in the event that the said Code Authority member elected by the members of the Industry within the Metropolitan District of the City of New York is not a member of the said Association, then the Executive Committee of the said Association shall appoint three members to the Regional Committee;

(d) The members of the Industry who are not members of the Marble Industry Employers' Association of New York and Vicinity shall, within ten days after the election and recognition of the Code Authority member elected by the members of the Industry within the Metropolitan District of the City of New York, elect two members to the Regional Committee; provided, however, that if the Code Authority member elected by the members of the Industry within the Metropolitan District of the City of New York is not a member of the said Association, that those members of the Industry who are not members of the said Association shall elect only one member to the Regional Committee;

(e) The Secretary of the Marble Industry Employers' Association of New York and Vicinity, in order to secure an orderly election

of members to the Regional Committee by the members of the Industry who are not members of the said Association, shall notify every member of the Industry within the said Region of the time and place for this election and that voting shall be in person or by proxy;

(f) The election and appointment of members to the Regional Committee shall be held and made within ten days after the approval of this amendment; and the members so elected and appointed shall hold office until the usual date of election stated in the following paragraph:

(g) The usual date of election shall be within ten days after the election and recognition of the Code Authority member elected by the members of the Industry within the Metropolitan District of the City of New York;

(h) The method of election of said Regional Committee shall be approved by the Code Authority and the Administrator.

(2) This Regional Committee shall have the following powers and duties and such other powers and duties as may be delegated by the Code Authority and shall exercise such powers subject to review by the Code Authority, and disapproval of the Code Authority if found to be inconsistent with the power and authority granted the Code Authority by this Code or with the Act. In case any question of consistency or inconsistency arises the burden of proof rests with the Regional Committee.

(a) To effect the provisions of Section 2 of Article IV of the Code, to create the necessary agencies of employers to conduct negotiations between truly representative groups of employees and employers in said Region covering wages, hours of labor, and conditions of employment.

(b) To appoint a Regional Commissioner who shall serve as its disinterested and impartial Agent within the Metropolitan District of the City of New York in the performance of the duties delegated to the "Commissioner" under Sections 1 to 15 inclusive of Subdivision "B", of Article VI of this Code, and any additions or amendments thereto, and within said Region to act in the place and stead of the "Commissioner";

(c) To appoint a Regional Trade Practice Committee for the purpose of formulating fair trade practices to govern the members of the Industry within the Metropolitan District of the City of New York, to the end that such fair trade practices may be proposed to the Code Authority for transmission, with the recommendations of the Code Authority, to the Administrator for his approval;

(d) To cause to be formulated additions and/or modifications to the general accounting system and method of cost finding and/or estimating provided in Article VII for the Industry if such system and method is found to be inadequate for the operations peculiar to said Region. Said additions and/or modifications shall be submitted to the Code Authority for approval and transmission to the Administrator for approval. If approved by the Administrator, full information concerning such methods shall be made available



to all members of the Industry in said Region. Thereafter, each member of the Industry in said Region shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Regional Committee, any agent thereof, or any member of the Industry in said Region, to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

(e) To submit to the Code Authority full and complete copies of all minutes and records and such other information as the Code Authority or the Administrator may require;

(3) It being found necessary in order to support the administration of this Code within the Metropolitan District of the City of New York by this Regional Committee, and in order to obtain the standards of fair competition established in this Code and to effectuate the policy of the Act, the Regional Committee is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes mentioned above;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry in this Region;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry in the Region, and to that end, if necessary, to institute legal proceedings therefor in its own name;

(4) Each member of the Industry within the Metropolitan District of the City of New York shall pay his or its equitable contribution to the expenses of the maintenance of the Regional Committee, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry within said Region complying with the Code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contribution), shall be entitled to participate in the selection of members of the Regional Committee or to receive the benefits of any of its voluntary activities, or to make use of any emblem or insignia of the National Recovery Administration. But voluntary contribution prior to the approval of a budget and equitable basis of assessment for this Region shall not be considered a prerequisite to the right to vote for the members of the Regional Committee.

(5) The Regional Committee shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any defi-



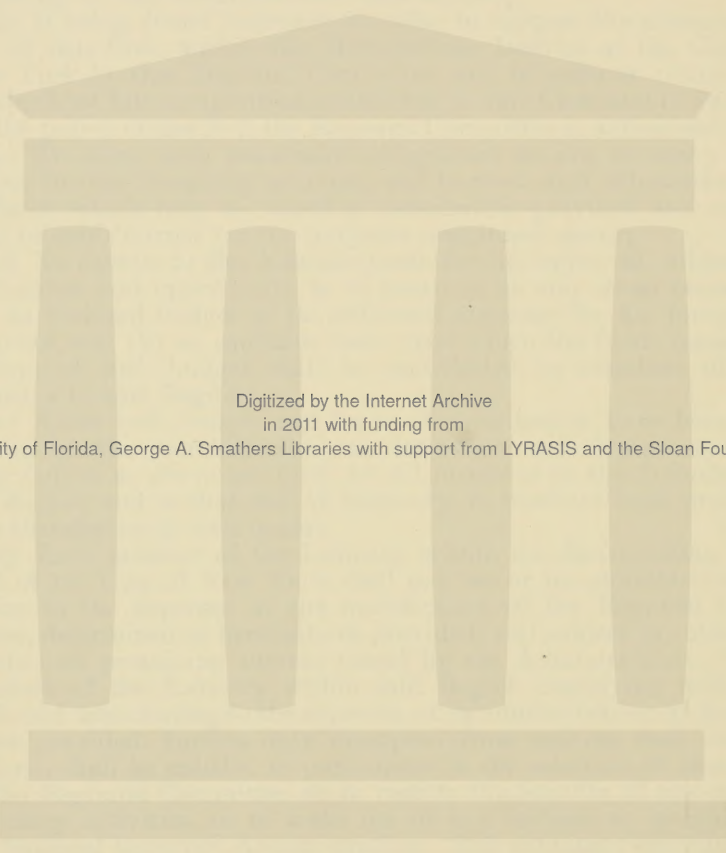
ciency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

(6) The equitable basis of contribution set out in Article V, Section 5 shall make due allowance in favor of members of the Industry in this Region for the expense of any Code Authority activities performed for the Code Authority by this Regional Committee.

Approved Code No. 421—Amendment No. 1.

Registry No. 1023-28.





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